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09/910,779	07/24/2001	Hideo Shimazu	017446.0314	3553

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WASHINGTON, DC 20007

EXAMINER

HAMILTON, MONPLAISIR G

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 05/06/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/910,779

Applicant(s)

SHIMAZU, HIDEO

Examiner

Monplaisir G Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. The communication filed on 02/17/04 added Claim 9-13. Claims 1-13 remain for examination.

#### *Response to Arguments*

2. Applicant's arguments, see Paper No. 6, filed 02/17/04, with respect to the objection of Claims 1-8 have been fully considered and are persuasive. The objection of Claims 1-8 has been withdrawn.

Applicant's arguments, see Paper No. 6, filed 02/17/04, with respect to the rejections of Claims 1 and 7-8 under 35 U.S.C. § 103(a) as being unpatentable over Admitted Prior Art in view of Blumberg et al (US 6,496,776), Claims 2 and 4-5 under 35 U.S.C. § 103(a) as being unpatentable over Admitted Prior Art in view of Blumberg et al (US 6,496,776) further in view of Darcie et al (US 6,577,714), Claim 3 under 35 U.S.C. § 103(a) as being unpatentable over Admitted Prior Art in view of Blumberg et al (US 6,496,776) further in view of Yoshioka (US 6,633,763) and Claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Admitted Prior Art in view of Blumberg et al (US 6,496,776) further in view of Barton (US 6,442,479), have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Barros (US 6,307,573).

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***Claim Rejections - 35 USC § 112***

3. Claims 1, 8 and 9-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant has amended these claims to include negative limitation. Examiner is unable to determine which portion of the original disclosure supports these amendments. Please See MPEP § 2173.05(i).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art (Specification: page 6, lines 10-20) in view of Barros (US 6,307,573).

Referring to Claim 1:

Admission discloses an information search and presentation system comprising: a 3D image converter for outputting 3D image data on the basis of a plurality of aerial photographs obtained by photographing a single area from different places, with a physical position of the area being specified (Admission, page 6, lines 8-20).

Admission does not explicitly disclose "a first database for storing a pair of a textual expression and position information as a unit record, the textual expression pertaining to a name and contents of a landmark existing in the area photographed to obtain the aerial- photographs; a search engine for outputting link information for page data including associated contents from a set of page data on public view in a World Wide Web in response to an input keyword, wherein the first database is not accessible by the search engine; and an 3D image browser for creating a 3D stereoscopic image viewed from a viewpoint position designated by a user on the basis of the 3D image data from said 3D image converter and the viewpoint position, presenting the image to the user, looking up said first database in accordance with an associated information presentation

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request associated with the position designated by the user, and, if a landmark corresponding to the designated position exists, outputting to said search engine a textual expression pertaining to a name and contents of the corresponding landmark as a keyword to present a search result obtained by said search engine.”

Barros discloses a first database for storing a pair of a textual expression and position information as a unit record (col 12, lines 40-55), the textual expression pertaining to a name and contents of a landmark existing in the area photographed to obtain the aerial- photographs (col 12, line 50-55); a search engine for outputting link information for page data including associated contents from a set of page data on public view in a World Wide Web in response to an input keyword(col 10, lines 30-35 and col 11, lines 40-50), wherein the first database is not accessible by the search engine (col 11, lines 40-50); and an 3D image browser for creating a 3D stereoscopic image viewed from a viewpoint position designated by a user on the basis of the 3D image data from said 3D image converter and the viewpoint position (col 6, lines 40-50 and col 7, lines 10-15), presenting the image to the user (col 6, lines 55-60), looking up said first database in accordance with an associated information presentation request associated with the position designated by the user (col 9, lines 40-45), and, if a landmark corresponding to the designated position exists, outputting to said search engine a textual expression pertaining to a name and contents of the corresponding landmark as a keyword to present a search result obtained by said search engine (col 11, lines 35-55).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the Admission to include a search database for locating landmarks based on keywords and user location. One of ordinary skill in the art would have been motivated to do

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this because it would allow the user to retrieve dynamic landmark information (col 10, lines 30-40).

Referring to Claim 7:

Admission in view of Barros discloses the limitations as discussed in Claim 1 above. Barros further discloses said 3D image browser comprises: a 3D image creation section for creating a 3D, stereoscopic image viewed from a viewpoint position designated by the user on the basis of 3D image data from said 3D image converter and the viewpoint position (col 6, lines 40-50 and col 7, lines 10-15); a database access section for accessing said database in accordance with an associated information presentation request associated with the viewpoint position designated by the user (col 9, lines 40-45); and a search control section for, when an access result indicates that a landmark corresponding a designated position exists, outputting to said search engine a textual expression pertaining to a name and contents of the corresponding landmark as a keyword, and presenting a search result output from said search engine (col 11, lines 35-55).

Referring to Claim 8:

Admission discloses an information search and presentation system comprising: 3D image conversion means for outputting image data on the basis of a plurality of aerial photographs obtained by photographing a single area from different places, with a physical position of the area being specified (Admission, page 6, lines 8-20).

Admission does not explicitly disclose “a database for storing a pair of a textual expression and position information as a unit record the textual expression pertaining a name and

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contents of a landmark existing in the area photographed to obtain the aerial photographs; search means for outputting link information for page data including associated contents from a set of page data on public view in a World Wide Web in response to an input keyword, wherein the database is not accessible by the search means; 3D image creation means for creating a 3D stereoscopic image viewed from a viewpoint position designated by a user on the basis of the 3D image data from said 3D image converter and the viewpoint position; database access means for accessing said database in accordance with an associated information presentation request associates with the position designated by the user; and search control means for, if an access result indicating that a landmark corresponding to the designated position exists, outputting to said search means a textual expression pertaining to a name and contents of the corresponding landmark as a keyword, and presenting a search result output from said search means.”

Barros discloses a database for storing a pair of a textual expression and position information as a unit record the textual expression pertaining a name and contents of a landmark existing in the area photographed to obtain the aerial photographs (col 12, lines 40-55); search means for outputting link information for page data including associated contents from a set of page data on public view in a World Wide Web in response to an input keyword, wherein the database is not accessible by the search means (col 10, lines 30-35 and col 11, lines 40-50); 3D image creation means for creating a 3D stereoscopic image viewed from a viewpoint position designated by a user on the basis of the 3D image data from said 3D image converter and the viewpoint position (col 6, lines 40-50 and col 7, lines 10-15); database access means for accessing said database in accordance with an associated information presentation request associates with the position designated by the user (col 9, lines 40-45); and search control means



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for, if an access result indicating that a landmark corresponding to the designated position exists, outputting to said search means a textual expression pertaining to a name and contents of the corresponding landmark as a keyword, and presenting a search result output from said search means (col 11, lines 35-55).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the Admission to include a search database for locating landmarks based on keywords and user location. One of ordinary skill in the art would have been motivated to do this because it would allow the user to retrieve dynamic landmark information (col 10, lines 30-40).

5. Claims 2 and 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art (Specification: page 6, lines 10-20) in view of Barros et al (6,307,573) further in view of Darcie et al (US 6,577,714).

Referring to Claim 2:

Admission in view of Barros discloses the limitations as discussed in Claim 1 above.

Admission in view of Barros do not explicitly disclose “a second database for recording an ID of the user and a viewpoint position of the user; a user position display unit for adding a user position mark indicating a current position of the user to a viewpoint position designated by the user on the stereoscopic image presented by said 3D image browser, extracting a viewpoint position and ID of a distant user from said second database, and presenting the extracted

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viewpoint position and ID with a distant user position mark indicating the position of the distant user being added; and an interaction connection section for, when the user generates a request for interaction by designating a specific distant user position mark, performing interaction connection upon regarding an ID of a distant user corresponding to a current position of the designated distant user position mark”

Darcie discloses a second database for recording an ID of the user and a viewpoint position of the user (col 8, lines 20-25, 57-65); a user position display unit for adding a user position mark indicating a current position of the user to a viewpoint position designated by the user on the stereoscopic image presented by said 3D image browser (col 12, lines 40-50), extracting a viewpoint position and ID of a distant user from said second database, and presenting the extracted viewpoint position and ID with a distant user position mark indicating the position of the distant user being added (col 2, lines 12-20; col 7, lines 30-45); and an interaction connection section for, when the user generates a request for interaction by designating a specific distant user position mark, performing interaction connection upon regarding an ID of a distant user corresponding to a current position of the designated distant user position mark (col 2, lines 12-20).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Admission in view of Barros to include a second database that allows two remote users to interact with each other. One of ordinary skill in the art would have been motivated to do this because it would provide a map-based directory assistance interface that will allow users to located people/business using a interactive map (Darcie: col 1, lines 20-35).

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Referring to Claim 4:

Admission in view of Barros further in view of Darcie discloses the limitations as discussed in Claim 2 above. Darcie further discloses a system wherein said interaction connection section activates an interaction function program in making connection to a distant user (col 16, lines 25-45).

Referring to Claim 5:

Admission in view of Barros further in view of Darcie discloses the limitations as discussed in Claim 4 above. Darcie further discloses a system wherein the interaction function program comprises a program for performing interaction connection by using a selected one of electronic mail, telephone, and electronic chat functions (col 16, lines 25-30; Fig. 10a).

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art (Specification: page 6, lines 10-20) in view of Barros (US 6,307,573) further in view of Yoshioka (US 6,633,763)

Referring to Claim 3:

Admission in view of Barros and Darcie discloses the limitations of Claim 2 above.

Admission in view of Barros and Darcie do not explicitly disclose “wherein said system further comprises a storage section storing the maximum number of distant users, in advance, which indicates the maximum number of current positions of distant users which are to be

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displayed; and said user position display unit extracts viewpoint positions and IDs of distant users from said second database by a number equal to the maximum number stored in said storage section in increasing order of distance from the current position of the user, and presenting the extracted viewpoint positions and IDs, with distant user position marks indicating the positions of the distant users being added.”

Yoshioka discloses wherein said system further comprises a storage section storing the maximum number of distant users, in advance (col 1, lines 30-36; col 2, lines 8-12; col 6, lines; col 7, lines 20-30), which indicates the maximum number of current positions of distant users which are to be displayed (col 7, lines 20-30); and said user position display unit extracts viewpoint positions and IDs of distant users from said second database by a number equal to the maximum number stored in said storage section in increasing order of distance from the current position of the user (col 1, lines 30-36), and presenting the extracted viewpoint positions and IDs, with distant user position marks indicating the positions of the distant users being added (col 1, lines 30-36).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Admission in view of Barros and Darcie to add a maximum number of distant user locations to the display map based on the distance from the current position of a user. One of ordinary skill in the art would have been motivated to do this because it would allow the user to contact a distant user that is within a region of interest to the user (col 1, lines 35-45).

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7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art (Specification: page 6, lines 10-20) in view of Barros (US 6,307,573) further in view of Barton (US 6,442,479).

Referring to Claim 6:

Admission in view of Barros discloses the limitations of Claim 1 above.

Admission in view of Barros do not explicitly disclose “a second database for storing user stay information constituted by a pair of a landmark where the user stayed and a stay duration of a user's stay; a log retention section for recording a pair of a viewpoint position of the user and a corresponding time as a movement log; a time storage section storing a minimum stay duration in a landmark area, in advance, which is used to determine whether the user is interested in a specific landmark; a distance storage section storing a distance indicating a range of a landmark area, in advance, which is used to determine whether the user is interested in a specific landmark; a stay duration calculation section for extracting a position of a landmark over which the user passed and a corresponding time from movement logs retained in said log retention section by referring to said second database, and calculating a stay duration in the landmark area from first and last times at which a viewpoint position of the user is located within the range indicated by the distance stored in said distance storage section which corresponds to positions before and after the position of the extracted landmark; a stay landmark determination section for, when the stay duration output from said stay duration calculation section is not less than the time stored in said time storage section, determining that the user has stayed in the landmark, and adding a unit record constituted by a pair of a landmark name and a stay duration to said second

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database; an instruction log retention section for recording a unit record constituted by a pair of a landmark name for which an associated information presentation instruction is issued by the user and a designated time as an information presentation instruction log; and a presentation section for outputting all records in said second database and all records in said log retention section in accordance with a totalizing result presentation instruction.”

Barton discloses a second database for storing user stay information constituted by a pair of a landmark where the user stayed and a stay duration of a user's stay (col 17, lines 25-30); a log retention section for recording a pair of a viewpoint position of the user and a corresponding time as a movement log (col 17, lines 4-8; col 17, lines 60-65); a time storage section storing a minimum stay duration in a landmark area, in advance, which is used to determine whether the user is interested in a specific landmark (col 17, lines 35-40); a distance storage section storing a distance indicating a range of a landmark area, in advance, which is used to determine whether the user is interested in a specific landmark (col 16, lines 30-40); a stay duration calculation section for extracting a position of a landmark over which the user passed and a corresponding time from movement logs retained in said log retention section by referring to said second database, and calculating a stay duration in the landmark area from first and last times at which a viewpoint position of the user is located within the range indicated by the distance stored in said distance storage section which corresponds to positions before and after the position of the extracted landmark (col 17, lines 50-60); a stay landmark determination section for, when the stay duration output from said stay duration calculation section is not less than the time stored in said time storage section, determining that the user has stayed in the landmark (col 17, lines 5-10), and adding a unit record constituted by a pair of a landmark name and a stay duration to said

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second database (col 17, lines 60-68); an instruction log retention section for recording a unit record constituted by a pair of a landmark name for which an associated information presentation instruction is issued by the user and a designated time as an information presentation instruction log (col 16, line 55-col 17, line 5); and a presentation section for outputting all records in said second database and all records in said log retention section in accordance with a totalizing result presentation instruction (col 17, lines 60-65).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Admission in view of Barros to determine whether a user visited an landmark while recording the movements of the user. One of ordinary skill in the art would have been motivated to do this because it would allow the system to measure the effectiveness of its marketing campaign.

*Prior Art*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 20020068585 issued to Chan, Jawe et al. Chan discloses a system and method is to automatically search the required local information for the information user. It can use the information user's personal profile, position history, and query history to generate the next set of information user's required local information. The information search list can also be generated based on the information user profile. This local information accessing system and method will be very useful if the information user is mobile and do not have enough time to search the web.

US 6487495 issued to Gale, William et al. Gale discloses an improved system and method for specifying physical locations when using applications run on navigation systems or other computer platforms that provide navigation- or map-related functions. When requesting a navigation- or map-related function from such an application, a user specifies a physical location using a keyword instead of specifying the physical location conventionally, such as by street address. A keyword database relates keywords to physical locations. The application uses the keyword database, or a copy thereof, to find data indicating the physical location associated with the keyword specified by the user. Preferably, physical locations are defined in the keyword database in terms of data in a corresponding navigable database. The application then performs the requested navigation- or map-related function using the data indicating the physical location associated with the keyword. The keyword database is built using input from users. An online



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system is provided that users can access to associate keywords with physical locations. A user accessing the online system is presented with a map from which a physical location can be selected. A keyword, which may be selected by the user, is associated with the selected physical location. The keyword is stored in the keyword database along with data indicating the associated physical location. Keywords can be related to each other in order to facilitate navigation applications that involve routing through multiple locations.

### ***Final Rejection***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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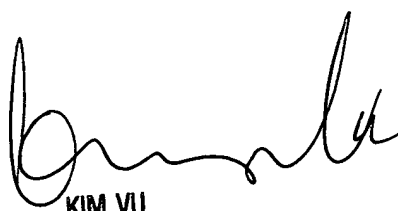
*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monplaisir G Hamilton whose telephone number is (703) 305-5116. The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on (703) 305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Monplaisir Hamilton

  
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